

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4877 OF 2014 IN
CRIMINAL APPEAL NO. 546 OF 2014

Vishwas S/o Amrut Patil,
Age 37 years, Occu.: Agri.,
R/o Lohara, Taluka Pachora,
District Jalgaon .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. Nilesh S. Ghanekar, Advocate for the applicant
Mr. V.P. Kadam, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 01/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is convicted by the learned Additional Sessions Judge, Jalgaon in Sessions Case NO. 62 of 2007 for the offences punishable under section 498-A, 306 of the Indian Penal Code and sentenced to suffer simple imprisonment for a period of three years and five years, respectively, and directed to pay fine, as detailed in the impugned judgment, is praying for his release during the pendency of the present appeal.

3. The prosecution allegations would show that the deceased and the present applicant were married to each other in May, 1997. The couple was blessed with a son. The prosecution case is that the present applicant always used to make demand of money and also had illicit relations with accused no.7. Under the circumstances, she committed suicide on 5/3/2006 alongwith her son and, therefore, the offence came to be registered.

4. The material from the side of the prosecution is the immediate statement of the relatives of the deceased, one inland letter claimed to have been sent by the deceased to the parental relatives at Exhibit 88 and the suicide note at Exhibit 89.

5. Mr. Ghanekar, learned counsel for the applicant submits that the inland letter Exhibit 88 is of the year 2004 while the present death has occurred in the year 2006. The suicide note would show that the deceased had a suspicion that the applicant had illicit relations with the accused no.7. According to the suicide note, even applicant has promised that he would not continue with the illicit relations, however, the suspicion

continued and, therefore, the deceased has committed suicide. He submits that the present applicant has surrendered immediately on the date of delivery of the judgment i.e. on 21/08/2014 and since then, he is behind the bar. Hearing in the appeal may take its own time and in the circumstances, he submits that the applicant be released on bail.

6. Learned A.P.P. opposed the application. He submits that the prosecution case is not based only on the oral evidence of the relatives of the deceased but additionally on the strength of the inland letter (Exhibit 88) as well as the suicide note (Exhibit 89).

7. Upon hearing both sides and taking into consideration the overall facts, without making any comment at this stage regarding the time gap i.e. the date of sending the inland letter and the actual commission of suicide and/or absence of any allegations regarding the demand of money in the suicide note, finding that the present applicant/appellant would be available at the time of hearing of the appeal, since he is an agriculturist and was serving as a Teacher, and the hearing of the appeal may take its own time, the

applicant/appellant can very well be released on bail.

Hence, the following order:-

8. The application is allowed.

9. The substantive sentences imposed by the learned Additional Sessions Judge, Jalgaon in Sessions Case No. 62 of 2007 vide judgment and order dated 21/08/2014 are suspended and the applicant – Vishwas S/o Amrut Patil be released on bail, upon his execution of P.R. bond of Rs. 20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

10. Hamdast granted.

11. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

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